

Indiana Public Defender Commission Meeting Minutes

June 25, 2008

Chairman Mark Rutherford called the business meeting to order at 2:03 p.m. Commission members in attendance were Susan Carpenter, Bettye Lou Jerrel, Peter D. Nugent, Sen. Timothy S. Lanane, Rep. Phil Hoy, and Judge Diane Ross Boswell. Also in attendance were staff counsels, Deborah Neal and Jeffrey S. Wiese. Commission members unable to attend were Sen. Joseph Zakas, Rep. Amos Thomas and David Hensel.

Other guests present at the meeting were Executive Director of the Indiana Public Defender Council, Larry Landis, Ray Casanova of the Marion County Public Defender Agency, David Happe and Tim States from Madison County, Stephen Owens, Vanderburgh County Chief Public Defender, Jim Lisher, Shelby County Chief Public Defender, Jerry Lux, Shelby County Public Defender Board Chairman, Hon. John Potter, Jasper Circuit Court, Hon. James R. Ahler, Jasper Superior Court, Edward Dumas, Jasper County Public Defender Board Chairman, Hon. Thomas K. Milligan, Montgomery Circuit Court, Sara Houston Dick, Montgomery County Public Defender, and Deborah Outcalt, Monroe County Public Defender Office Administrator.

Introduction of New Commission Member, Hon. Diane Boswell. Mark Rutherford began the meeting by welcoming the newest Commission member, Hon. Diane Boswell. Judge Boswell serves Lake Superior Court, Criminal Division #3. She was appointed to the Commission by Chief Justice Randall T. Shepard and her term runs until April 23, 2012.

Approval of Minutes from 3/26/08 Meeting. Chairman Rutherford presented the minutes from the March 26, 2008 meeting for approval. Bettye Lou Jerrel moved for approval of the minutes as presented. Rep. Phil Hoy seconded the motion. The vote was unanimous in favor of approval.

Proposed Meeting Dates for 2009. The proposed dates are March 25, 2009, June 24, 2009, September 23, 2009 and December 16, 2009. All meetings will convene at 2:00 p.m. Bettye Lou Jerrel moved for approval of the proposed dates and Susan Carpenter seconded the motion. The vote was unanimous in favor of approval.

Report on Counties Receiving 90-Day Notice in 2007. The Commission issued 90-Day Notices of Non-Compliance to thirteen counties in 2007. Each county was informed that their reimbursements from the Public Defense Fund for non-capital expenditures was in jeopardy due to continued non-compliance with Standard J's maximum caseloads for public defense attorneys. The Commission chose not to enforce suspending payments until after the 1st quarter 2008 reimbursement requests, allowing these counties 15 months to come into compliance.

Deborah Neal reported that twelve of the thirteen counties are still not in compliance – Washington County being the exception. Vigo, Marion, Madison and Lake Counties have been in constant contact with the Commission's staff counsels, and marked improvement towards full compliance has been achieved by those counties. The remaining eight counties were notified of the need to present convincing evidence to the Commission of why the reimbursements to the county should not be suspended.

Deborah Neal further explained to the Commission that counties with extraordinary events occurring in a quarter disrupting the plan for achieving caseload compliance would be allowed to request additional time to achieve compliance without suspension of reimbursements. One example of this is Lake County. In 2008, the Lake County Public Defender Agency had over 30 appeals cases assigned in one month, which is more than all of the appeals assigned to the agency in 2007. Dave Schneider, Lake County Chief Public Defender, has kept staff counsel informed of the caseload situation in Lake County. Deborah Neal stated the counties cannot control crime rates or economics which both affect the public defenders' caseloads in a county, and the Commission should give consideration to counties that report significant increases in caseload assignments due to these environmental factors.

Those counties that did not provide a written explanation to the Commission of their continued non-compliance were invited to attend this meeting to address the issue of staying in the public defender program. Mark Rutherford asked if any counties that received the invitation would not be at the meeting. Deborah Neal responded that Hugh Taylor, Chairman of Steuben County Public Defender Board, is in a criminal trial and unable to attend. However, Mr. Taylor will be attending the September Commission meeting. Attorney Jennifer Lewis, Scott County, informed staff counsel that the Scott County Council approved hiring another public defender in 2009. She was told she did not need to attend this meeting. A letter from Jeff Stonebraker, Clark County Chief Public Defender, to the Commission staff stated he has been receiving help from Judge Carmichael. Clark County's compliance problem is the number of CHINS and Termination of Parental Rights cases. These cases are handled in Judge Carmichael's court and she is requesting additional funds for her court from the county council so she may appoint indigent counsel on a case-by-case basis, rather than utilize the public defender office. Removing the assignment of CHINS and TPR cases will advance the efforts of Clark County public defenders to come into compliance on caseload standards. Mr. Stonebraker was informed that it was not necessary for him to attend this meeting.

Mark Rutherford thanked all the guests present for coming to our meeting. He stated that the Commission will withhold ruling on whether to suspend reimbursements until after all the counties represented at the meeting have been heard.

Montgomery County:

Judge Milligan reported that, by his calculation, the county would need to hire an additional 3.5 public defenders to handle the caseload and be in compliance with Standard J. The Montgomery County Public Defender Board took this matter to the County Council. The Council decided that for the amount of reimbursement provided by the Commission, it was not worth the expense of hiring additional public defenders. Judge Milligan stated he had had no complaints from the public defenders about being overworked nor had there been any complaints from the defendants about poor representation although he had not conferred with the public defenders before meeting with the council. He presented these options to the council: hire additional part time public defenders, hire a full time public defender, or establish a public defender office with adequate support staff. The county council was not willing to pursue any of these options. Chairman Rutherford asked if there was anything unique about Montgomery County that should qualify it for an exception to compliance with Standard J. Judge Milligan said he was not aware of anything. Larry Landis asked if the public defenders handled mixed caseloads of reimbursable and non-reimbursable cases. Judge Milligan said yes. Larry asked if the county was aware that compliance with Standard J was only required for public defenders who handled reimbursable cases. If a public defender had no reimbursable cases, then he/she did not need to comply

with Standard J. The county might not be so out of compliance if cases were assigned differently. Tim Lanane asked what happens if one defendant is charged with both a misdemeanor and a felony? Larry Landis said the county only counts the most serious offence on the new case assignment worksheet. Chairman Rutherford asked if there was more discussion. Sarah Dicks, a public defender in Montgomery County wanted the Commission to know that just because the PD's in Montgomery County are not complaining, does not mean they do not feel overworked.

Jasper County:

Ed Dumas, Jasper County Public Defender Board Chairman, explained the situation in the county. He began by stating the Jasper County Public Defense Board wants to comply with the Commission's standards and stay in the program. The Board has turned in a 2009 proposed budget to the county council; however, it will not be reviewed until the last week of August. Mr. Dumas further stated that Jasper County has an extraordinary circumstance to bring to the attention of the Commission: Forty to fifty miles of interstate highway (I-65) running through Jasper County is presently targeted by the Federal Drug Enforcement Agency and numerous arrests have occurred. The majority of these drug arrests have resulted in defendants qualifying for a public defender. Mr. Dumas stated these arrests have had a significant effect on Jasper County public defenders' caseloads.

Judge John Potter, Jasper Circuit Court, has talked to the Chief Public Defender, and in order to achieve compliance on caseloads, the county plans to implement a CASA (court appointed special advocate) program. Right now, the public defenders must serve as guardians-ad-litem in CHINS cases. In 2007 they took 63 children as CHINS. That is about twice as many as the previous year. The hope is to have a CASA program in place by January 2009. Judge James Ahler, Jasper Superior Court, described his scheduling system that allows the public defenders to have a set time each week to be at court. This allows the court and public defenders to plan and organize their time best. He sat down with the public defenders at the beginning of the year to create a scheduling plan that would be the most efficient for the court and the public defenders. Each public defense attorney has a 30 minute time slot to do court business every Monday morning. This works extremely well for most cases. The Circuit Court judge has only had three trials since February and only one of those defendants had a public defender. He attributes this to having reasonable prosecutors. The county wants to make us aware that one of the reasons for the large caseload this year was the unsealing of 20-25 indictments from the I-65 drug investigation in February. This has made it very difficult to reach compliance. Deborah Neal thanked Jasper County for bringing this information to our attention because this is an extraordinary circumstance. She noted that unless Jasper County anticipates this investigation continuing, there may not be a need to increase the number of public defenders. The judges believe the section of I-65 in Jasper County is only targeted for 6 months.

Tim Lanane asked staff counsel, Deborah Neal, if the practice of using public defenders as guardian-ad litem ("GAL") in CHINS cases is normal, and if the cessation of this practice will help Jasper County's efforts to reach compliance? Deborah Neal reported that new law implemented last year mandated a GAL for every child in a CHINS case. Ed Dumas said the county would have additional information to submit to the Commission in September and requested that any decision regarding Jasper County be tabled until the September meeting. They plan on submitting a written report to the Commission detailing steps they can take and the action from the County Council before the next meeting.

Shelby County:

Jim Lisher, Shelby County Chief Public Defender, reported that after the county received the 90-Day Notice in January 2007, the county council was approached with a request for two additional public defenders. Mr. Lisher stated the increase in public defenders' caseloads at that time was due to a large number of meth labs in the county. The county council granted the request for additional attorneys in the middle of a budget year. The council allowed them to hire a public defense attorney in November 2007 and promised another public defender would be funded for 2008. A public defense attorney was added in 2008. Mr. Lisher stated the public defense budget for 2009 includes a request for an additional paralegal, bringing total staff to two. He also informed the Commission that in researching caseloads after the receipt of the May 30, 2008 letter from staff counsel, they discovered they had been reporting some probation violations incorrectly leading to an overstatement of the caseloads.

Bettye Lou Jerrel advised all county public defender offices to seek out one particular member of the county council who has an interest in public defense and meet with this councilmember and the auditor prior to the budget meeting with the county council. This would be the best time to explain the importance of the public defender program to that council member. In this way you can establish a relationship with one council member before the difficult budget planning process begins.

Jerry Lux said the Shelby County Council has a particular member assigned to attend the majority of the public defender board meetings. The county council keeps informed of the issues and problems facing the public defender board through this particular councilperson.

Vanderburgh County:

Steve Owens, Chief Public Defender, reported on the situation in Vanderburgh County. The basic problem in the county is in its juvenile division. In 2007 all juvenile public defenders were handling a mixed caseload. The county rearranged the caseloads and hired two additional public defenders for the juvenile division. One was part time, the other full time. In 2008 the county council approved hiring another full time public defender plus a secretary. The new public defender is a recent law school graduate and is handling a mixed caseload. The secretary position was filled in March 2008. This gives Vanderburgh County 12 full time public defenders, 3 secretaries, two paralegals, one full time investigator and one investigator under contract to help as needed. Steve Owens is requesting the county council approve hiring both an additional paralegal and investigator in his 2009 proposed budget. This will be presented to the county council at its August/September meeting. He is not sure the council will approve his request. He asked how the new full time public defender in the juvenile division should be reported. Is he considered adequate or inadequately staffed? Deborah Neal said until the county has hired an additional paralegal and investigator, only 8 of the full time public defenders can be reported as adequately staffed.

Before voting on the status of each county that received a 90-Day Notice in 2007 regarding continued reimbursements from the Public Defense Fund, Bettye Lou Jerrel requested that staff counsel keep in contact with these counties and keep the Commission members updated with the progress they have made prior to the September meeting. Ms. Jerrel stated it would be helpful to see the results of the county council budget meetings. Mark Rutherford suggested that staff counsel telephone these counties during the quarter and report to the Commission members. Chairman Rutherford said it is apparent

from the reports from the counties present today that they want to stay in the program but much of the progress they want to make to achieve compliance hinges on their county councils.

Deborah Neal restated one-by-one the 2007 90-Day Notice counties' position on coming into compliance.

Clark County: Ms. Neal reported that in Mr. Stonebraker's opinion, the county can reach compliance with Standard J if they no longer are responsible for the county's CHINS and TPR cases. Staff council recommends allowing Clark County to remain in the program. Tim Lanane made the motion to allow Clark County to remain in the Public Defender Program contingent upon their compliance with Commission standards. Susan Carpenter seconded the motion.

A question was raised on whether this vote was to keep Clark County in the program for another year or if something else was intended. Deborah Neal responded that this situation has not been before the Commission in the past. She stated that according to statute, if a county does not come back into compliance with Commission standards after receiving a 90 day notice, they are out of the Public Defense Program at the end of the fiscal year. If the Commission votes to keep a county in the program it will be eligible for reimbursements for the next fiscal year. Betty Lou Jerrel asked what happens if a county is unsuccessful in making the changes they have proposed due to county council decisions. Can we make our vote conditional on the county's success at their budget meetings? Chairman Rutherford suggested the Commission deal with that issue if it actually arises. Tim Lanane asked if, from now on, the reimbursements to the 90 day counties are conditional on achieving compliance. Larry Landis said that reimbursements could be suspended until a county comes into compliance. Chairman Rutherford called for a vote on the motion to keep Clark County in the public defense program contingent upon their compliance with Commission standards. Motion unanimously passed.

Jasper County: Deborah Neal reiterated to the Commission that Ed Dumas, Jasper County Public Defender Board Chairman, said the county would have additional information to submit to the Commission in September and requested that any decision regarding Jasper County be tabled until the September meeting. The Jasper County public Defender Board plans on submitting a written report to the Commission detailing the plan for compliance and the decision of the county council before the next meeting. Betty Lou Jerrel made the motion that Jasper County be allowed to remain in the Public Defense Program and Susan Carpenter seconded the motion. The motion passed.

Lake County: Deborah Neal again informed the Commission Lake County Public Defender Agency's appellate division remains out of compliance due to an unusual heavy assignment of appellate cases in 2008. Tim Lanane made the motion to allow Lake County to remain in the Public Defender Program contingent upon their compliance with Commission standards and Phil Hoy provided the second. The motion passed.

Madison County: Jeff Wiese, Staff Counsel, indicated Madison County has made substantial progress toward full compliance. Susan Carpenter made the motion to allow Madison County to remain in the Public Defender Program contingent upon their compliance with Commission standards and Phil Hoy provided the second. The motion passed.

Marion County: Jeff Wiese indicated Marion County has made substantial progress toward full compliance. Tim Lanane made the motion to allow Marion County to remain in the Public Defender Program contingent upon their compliance with Commission standards and Bettye Lou Jerrel provided the second. The motion passed.

Montgomery County: Bettye Lou made the motion to table any decision on Montgomery County until the September meeting as this will allow the county time to make any adjustments they can to come into compliance. Susan Carpenter seconded the motion to table any decision until September. Larry Landis commented this would allow the county to come up with a plan to achieve compliance that the county council might approve. It is obvious the judges and attorneys want to continue in the program. Chairman Rutherford called for the vote and the motion passed.

Scott County: Jennifer Lewis, Scott County's Public Defender Administrator, sent a letter to staff counsels informing the Commission that Scott County hired a new attorney in mid year 2007 and increased their staff from six to ten public defenders in January 2008. She requested additional time to structure the caseloads of these attorneys so that the county can achieve compliance. Staff Counsel recommends that Scott County be allowed to remain in the program. Susan Carpenter made a motion to allow Scott County to remain in the Public Defender program and Judge Diane Boswell provided the second. Chairman Rutherford called for the vote and the motion passed.

Shelby County: Susan Carpenter made the motion to allow Shelby County to remain in the public defense program and Tim Lanane made the second. Chairman Rutherford called for the question and the vote. The motion passed.

Steuben County: Jeff Wiese reported that Hugh Taylor, Steuben County Public Defender Board Chairman, was in trial today and unable to attend the Commission meeting. Mr. Taylor did send a letter to staff counsel explaining there has been an increase in crime in Steuben County and a downturn of the economy resulting in higher caseloads for the public defenders. Jeff Wiese said Mr. Taylor had called him yesterday to inform the Commission that he has been authorized by the county council to hire an additional public defender in 2009. He requested that staff counsel be present at a meeting with the public defender board, the judges and the public defenders on August 5th to review Commission standards and ensure that the county was reporting caseloads correctly. Mr. Taylor requested that no decision be made regarding Steuben County until September when he can attend the Commission meeting. Phil Hoy made the motion to table any decision regarding Steuben County until the September meeting and Tim Lanane seconded the motion. Chairman Rutherford called for the question and the vote. The motion passed.

Vanderburgh County: Peter Nugent made the motion to allow Vanderburgh County to remain in the public defender program and Susan Carpenter provided the second. Chairman Rutherford called for the question and the vote. The motion passed.

Vigo County: Jeff Wiese informed the Commission that Vigo County has made substantial progress toward full compliance. Only two attorneys are out of compliance and they are only out compliance by several hundredths. Tim Lanane made the motion to allow Vigo County to remain in the public defender program and Susan Carpenter provided the second. Chairman Rutherford called for the question and the vote. The motion passed.

Washington County: Deborah Neal said Washington County is in compliance.

Whitley County: Deborah Neal said Whitley County has not responded to the 90-Day Notice and therefore, future reimbursement requests should be terminated. Tim Lanane made the motion to terminate all non-capital reimbursements to Whitley County as of the end of the fiscal year. Susan Carpenter provided the second. Chairman Rutherford called for the question and the vote. The motion passed.

Deborah Neal requested clarification on the motion. Our statute states reimbursements can be terminated at the end of a fiscal year. Due to reporting requirements, the current reimbursements we are voting on at this meeting cover January 1 through March 31. If Whitley County submits a reimbursement request for the second quarter (April 1 through June 30) should the Commission approve it? After discussion, the Commission decided there will be no further reimbursements to Whitley County for non-capital expenditures after June 30, 2008 regardless of when the expense was incurred.

Report on Counties Receiving 90-Day Notice in 2008. Deborah Neal informed the Commission that five counties were sent 90 Day Notices in the first week of June, 2008. These counties are Henry, Jennings, Knox, LaPorte, and Kosciusko. Several counties have responded, thanking us for the notice. We will have more information on these counties at the September meeting.

Financial Status of Public Defense Fund. The current claims cannot be paid until after July 1st. The balance in the Public Defense Fund is \$8,488.55. The July 1, 2008 appropriation is \$7,625,000.00.

The Commission was given a copy of the budget narrative prepared by staff counsel for State Court Administration concerning the Public Defense Fund. This narrative will be presented to the Chief Justice. In addition to details of the Commission's actions for 2006-2008, the report requests an increase in appropriations to the Public Defense Fund so that the Commission can encourage other counties to join the program and end the current pattern of prorating reimbursement requests in the first and third quarters of the fiscal year. Tim Lanane asked if any counties had expressed interest in joining the program. Deborah Neal said there have been serious inquiries from Delaware County. Larry Landis reported on his meeting with Chief Justice Shepard regarding the statewide indigent defense taskforce. The Chief Justice is considering picking up some of the recommendations regarding state funding for probation and public defense from the Kiernan Shepard Report if Governor Daniels wins reelection this fall. He may appoint a task force to investigate how to plan/structure/implement a state wide public defense system. Larry anticipates the Chief Justice asking a Commission member or possibly the whole Commission to be involved in this process. Larry and the Chief Justice also discussed alternatives to a state wide public defense program such as changing the statutes that govern this Commission to provide for a 50% reimbursement for all public defense cases or moving the Chief Public Defenders and Deputy Public Defenders from county employees to state employees. Any of these possibilities would relieve the strained county budgets.

Requests for 50% Reimbursement in Capital Cases. Jeff Wiese reported that Vigo County submitted one request in the Walker death penalty case after the 120 day deadline. According to Commission guidelines, this would result in the Commission denying the reimbursement for this claim. The Vigo County Auditor submitted a written explanation of the submission delay. Her clerk who has responsibility for filing the claims had been out of the office due to a family member's death and

involved in the Homestead Rebate process and failed to keep track of this request. Jeff Wiese recommends paying this claim as Vigo County has historically met the submission deadlines. Phil Hoy made the motion to pay the late claim in full and Susan Carpenter seconded his motion. Chairman Rutherford called for the question and the vote. The motion passed.

Peter Nugent requested clarification on what determines the rate paid to capital case attorneys. Deborah Neal said the rate is set according to a formula in Criminal Rule 24. It changes every other year. An attorney is paid according to the rate when the death penalty was filed. This rate does not change during the case unless the case is remanded to the trial court after appeal. The initial hourly rate for the public capital defense attorneys set January 2001 was \$90.00 per hour. The current rate is \$101.00 per hour and it will increase to \$106.00 per hour on January 1, 2009.

Claims submitted for reimbursement are as follows:

INDIANA PUBLIC DEFENDER COMMISSION			
Reimbursement Requests in Capital Cases			
June 25, 2008			
COUNTY	DEFENDANT		TOTAL
Lake	Azania 1		\$15,384.77
Marion	Adams 1		\$1,812.49
	Allen 1		\$7,000.10
	Allen 2		\$6,183.14
	Allen 3		\$9,644.38
	Turner 1		\$20,400.14
	Turner 2		\$14,818.89
Posey	Harrison 1		\$1,524.00
	Harrison 2		\$1,330.40
	Harrison 3		\$772.40
	Harrison 4		\$2,297.60
	Harrison 5		\$1,445.30
	Harrison 6		\$743.50
	Harrison 7		\$750.00
	Harrison 8		\$756.80
	Harrison 9		\$622.06
	Harrison 10		\$1,958.06
	Harrison 11		\$585.40
	Harrison 12		\$193.94
	Harrison 13		\$555.00
Spencer	Ward 1		\$8,280.68
Vigo	Walker 1		\$2,052.63
	Walker 2		\$5,301.41
	Walker 3		\$3,014.20

	Walker 4		\$642.10
	Walker 5		\$1,884.70
	Walker 6		\$2,469.70
TOTAL			\$112,423.79

Chairman Rutherford called for a motion on the capital reimbursement requests. Bettye Lou Jerrel made the motion to reimburse all capital reimbursement requests as recommended by staff counsel and Phil Hoy seconded the motion. Chairman Rutherford called for the question and the vote. The motion passed.

Requests for 40% Reimbursement in Non-Capital Cases. Jeff Wiese reported that two counties, Decatur and Vermillion, submitted reimbursement claims after the 45 day deadline. Deborah Neal said this is the first quarter in several years that any county has submitted non-capital reimbursement requests after the deadline. Jeff Wiese stated that Decatur County's request was one day late and Commission Guidelines suggest a 10% reduction in the reimbursement. The county submitted a written explanation for the delay. Evidently, the auditor was unavailable to sign the request. Jeff Wiese recommends paying this claim in full. Bettye Lou Jerrel made the motion to pay Decatur County's request in full. Phil Hoy seconded the motion. Chairman Rutherford called for the question and the vote. The motion passed.

Jeff Wiese then reported that Vermillion County's request was nineteen days late. In accordance with the Commission's guidelines, Vermillion County would receive a 25% reduction in their 1st quarter 2008 reimbursement. Vermillion County Auditor submitted a written explanation to Jeff Wiese which basically said she had surgery and missed the deadline. Staff counsel recommends paying this claim in full. Bettye Lou Jerrel made the motion to pay Vermillion County's request in full. Susan Carpenter seconded the motion. Chairman Rutherford called for the question and the vote. The motion passed.

The following requests for reimbursement of non-capital expense were submitted this quarter. Deborah Neal said the Public Defense Fund balance will be sufficient to pay these claims after receipt of the July 1st appropriation.

INDIANA PUBLIC DEFENDER COMMISSION							
First Quarter (Jan. 1, 2008 - March 31, 2008) Requests for Reimbursements in Non-Capital Cases							
6/25/08 FINAL							
COUNTY	Late Factor	2008 Period Covered	Total Expenditure	Adjustment For Non-Reimbursable	% of Adjstmt	Eligible Expenditure	If 40% Reimbursed
ADAMS	0.00	1/1 - 3/31	\$84,215.80	\$21,368.19	25%	\$62,847.61	\$25,139.04
ALLEN	0.00	1/1 - 3/31	\$752,513.51	\$35,976.25	5%	\$716,537.26	\$286,614.90
BENTON	0.00	1/1 - 3/31	\$7,154.50	\$1,788.63	25%	\$5,365.87	\$2,146.35
BLACKFORD	0.00	1/1 - 3/31	\$26,226.89	\$3,511.40	13%	\$22,715.49	\$9,086.20
CARROLL	0.00	1/1 - 3/31	\$0.00	\$0.00	0%	\$0.00	\$0.00
CLARK	0.00	1/1 - 3/31	\$133,235.69	\$26,779.49	20%	\$106,456.20	\$42,582.48
CRAWFORD	0.00	1/1 - 3/31	\$0.00	\$0.00	0%	\$0.00	\$0.00
DECATUR	0.00	1/1 - 3/31	\$42,657.00	\$14,117.80	33%	\$28,539.20	\$11,415.68
FAYETTE	0.00	1/1 - 3/31	\$157,965.94	\$30,189.05	19%	\$127,776.89	\$51,110.76
FLOYD	0.00	1/1 - 3/31	\$115,396.44	\$25,088.98	22%	\$90,307.46	\$36,122.98

FOUNTAIN	0.00	1/1 - 3/31	\$48,883.25	\$12,220.81	25%	\$36,662.44	\$14,664.98
FULTON	0.00	1/1 - 3/31	\$64,765.60	\$22,314.20	34%	\$42,451.40	\$16,980.56
GRANT	0.00	1/1 - 3/31	\$192,504.00	\$14,944.00	8%	\$177,560.00	\$71,024.00
GREENE	0.00	1/1 - 3/31	\$83,634.59	\$13,321.10	16%	\$70,313.49	\$28,125.40
HANCOCK	0.00	1/1 - 3/31	\$103,762.71	\$27,962.51	27%	\$75,800.20	\$30,320.08
HENRY	0.00	1/1 - 3/31	\$83,254.93	\$9,720.87	12%	\$73,534.06	\$29,413.62
HOWARD	0.00	1/1 - 3/31	\$351,010.02	\$60,567.59	17%	\$290,442.43	\$116,176.97
JASPER	0.00	1/1 - 3/31	\$61,198.67	\$18,194.20	30%	\$43,004.47	\$17,201.79
JAY	0.00	1/1 - 3/31	\$64,289.58	\$6,943.27	11%	\$57,346.31	\$22,938.52
JENNINGS	0.00	1/1 - 3/31	\$55,150.88	\$13,609.39	25%	\$41,541.49	\$16,616.60
KNOX	0.00	1/1 - 3/31	\$131,743.82	\$46,121.69	35%	\$85,622.13	\$34,248.85
KOSCIUSKO	0.00	1/1 - 3/31	\$103,605.57	\$26,893.36	26%	\$76,712.21	\$30,684.88
LAKE	0.00	1/1 - 3/31	\$1,039,752.77	\$0.00	0%	\$1,039,752.77	\$415,901.11
LAPORTE	0.00	1/1 - 3/31	\$126,574.33	\$16,630.20	13%	\$109,944.13	\$43,977.65
MADISON	0.00	1/1 - 3/31	\$424,067.89	\$45,606.82	11%	\$378,461.07	\$151,384.43
MARION	0.00	1/1 - 3/31	\$4,094,922.20	\$868,056.67	21%	\$3,226,865.53	\$1,290,746.21
MARTIN	0.00	1/1 - 3/31	\$18,376.63	\$4,904.07	27%	\$13,472.56	\$5,389.02
MIAMI	0.00	1/1 - 3/31	\$0.00	\$0.00	0%	\$0.00	\$0.00
MONROE	0.00	1/1 - 3/31	\$390,386.27	\$52,505.89	13%	\$337,880.38	\$135,152.15
MONTGOMERY	0.00	1/1 - 3/31	\$91,554.55	\$24,192.87	26%	\$67,361.68	\$26,944.67
NEWTON	0.00	1/1 - 3/31	\$0.00	\$0.00	0%	\$0.00	\$0.00
NOBLE	0.00	1/1 - 3/31	\$95,630.16	\$16,319.44	17%	\$79,310.72	\$31,724.29
OHIO	0.00	1/1 - 3/31	\$17,189.25	\$8,152.75	47%	\$9,036.50	\$3,614.60
ORANGE	0.00	1/1 - 3/31	\$56,984.71	\$13,035.72	23%	\$43,948.99	\$17,579.60
PARKE	0.00	1/1 - 3/31	\$26,951.49	\$7,727.35	29%	\$19,224.14	\$7,689.66
PERRY	0.00	1/1 - 3/31	\$69,124.00	\$18,753.00	27%	\$50,371.00	\$20,148.40
PIKE	0.00	1/1 - 3/31	\$105,477.17	\$41,409.56	39%	\$64,067.61	\$25,627.04
PULASKI	0.00	1/1 - 3/31	\$72,087.91	\$38,944.69	54%	\$33,143.22	\$13,257.29
RUSH	0.00	1/1 - 3/31	\$44,021.43	\$12,472.74	28%	\$31,548.69	\$12,619.48
SCOTT	0.00	1/1 - 3/31	\$60,094.42	\$12,535.03	21%	\$47,559.39	\$19,023.76
SHELBY	0.00	1/1 - 3/31	\$86,798.20	\$10,636.00	12%	\$76,162.20	\$30,464.88
SPENCER	0.00	1/1 - 3/31	\$10,145.74	\$2,521.30	25%	\$7,624.44	\$3,049.78
STEUBEN	0.00	1/1 - 3/31	\$65,620.94	\$14,214.47	22%	\$51,406.47	\$20,562.59
ST. JOSEPH	0.00	1/1 - 3/31	\$505,700.06	\$69,889.83	14%	\$435,810.23	\$174,324.09
SULLIVAN	0.00	1/1 - 3/31	\$37,441.78	\$13,416.95	36%	\$24,024.83	\$9,609.93
SWITZERLAND	0.00	1/1 - 3/31	\$64,507.98	\$33,448.58	52%	\$31,059.40	\$12,423.76
TIPPECANOE	0.00	1/1 - 3/31	\$435,402.37	\$103,164.37	24%	\$332,238.00	\$132,895.20
UNION	0.00	1/1 - 3/31	\$26,931.79	\$9,378.01	35%	\$17,553.78	\$7,021.51
VANDEBURGH	0.00	1/1 - 3/31	\$547,000.06	\$90,493.54	17%	\$456,506.52	\$182,602.61
VERMILLION	0.00	1/1 - 3/31	\$23,101.35	\$8,862.78	38%	\$14,238.57	\$5,695.43
VIGO	0.00	1/1 - 3/31	\$370,864.46	\$79,444.81	21%	\$291,419.65	\$116,567.86
WABASH	0.00	1/1 - 3/31	\$50,787.00	\$8,454.50	17%	\$42,332.50	\$16,933.00
WARREN	0.00	1/1 - 3/31	\$7,237.80	\$3,303.30	46%	\$3,934.50	\$1,573.80
WASHINGTON	0.00	1/1 - 3/31	\$98,267.04	\$15,512.23	16%	\$82,754.81	\$33,101.92
WELLS	0.00	1/1 - 3/31	\$0.00	\$0.00	0%	\$0.00	\$0.00
WHITE	0.00	1/1 - 3/31	\$0.00	\$0.00	0%	\$0.00	\$0.00
WHITLEY	0.00	1/1 - 3/31	\$41,210.37	\$13,736.79	33%	\$27,473.58	\$10,989.43
TOTAL			\$11,767,381.51	\$2,089,357.04	18%	\$9,678,024.47	\$3,871,209.79

Susan Carpenter made a motion to pay the non-capital claims as recommended. Tim Lanane seconded the motion. Chairman Rutherford called for the question and the vote. The motion passed.

Other Matters:

Counting Appeals Cases; Trial/Sentencing Appeals. Deborah Neal said an issue has arisen regarding the caseload limit on appeal cases. Currently, this limit is 12 appeals per year, however, this limit does not take into account the difference in time spent on a sentencing appeal compared with a trial appeal. Lake County has completed a time-study of each type of appeal and determined that trial appeals take approximately 1.83% of the time as a sentencing appeal. Deborah Neal used Lake County's research methods and results with Marion County's appeal cases to show what would happen if the Commission split the two types of appeal cases on the caseload worksheet for Marion County. The Commission questioned how the 1.83% was calculated and determined more investigation was needed. This issue is tabled while Larry Landis confers with the county Chief Public Defenders to see if agreement can be reached on the ratio in completion time between trial appeals and sentencing appeals.

Amending Non-capital guidelines. There is internal conflict in our guidelines that tell counties how to count consolidated and severed cases. The Commission tabled this matter until the September meeting.

Indiana Public Defender Council. (See Larry Landis' report in page 7 of these minutes under Financial Status of Public Defense Fund.)

Hancock County Amended Comprehensive Plan. The only amendment to Hancock County's Comprehensive Plan is to the hourly rate paid to public defenders. Susan Carpenter made the motion to accept Hancock County's amended Comprehensive Plan. Bettye Lou Jerrel seconded the motion. Chairman Rutherford called for the question and the vote. The motion passed.

With no further business to discuss, Peter Nugent made a motion to adjourn the meeting and Bettye Lou Jerrel seconded. The motion passed unanimously and Mark Rutherford closed the meeting at 4:10 PM. The next Commission meeting will be held on September 24, 2008 at 2:00 PM.

Mark Rutherford, Chairman

Date